

Application No. 09/345,223
Amendment "A" dated August 11, 2003
Reply to Office Action mailed May 9, 2003

REMARKS

Applicant and Applicant's attorneys express appreciation to the Examiner for the courtesy of the interview held on August 8, 2003. The amendments made by this paper are consistent with the proposals and claim amendments presented during the interview. Reconsideration and allowance for the above-identified application are respectfully requested.

In the latest Office Action, dated May 9, 2003, all of the pending claims 1-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Filepp (U.S. Patent No. 5,796,967) in view of Hendricks (U.S. Patent No. 5,798,785).¹

By this paper, claims 1, 5, 6, 12-14, and 21 have been amended, such that claims 1-23 remain pending. Of these claims, claims 1, 5, 12, 13, 14 and 21 are independent claims, each of which have been amended, as proposed during the interview.

As discussed during the interview, the claims are generally directed to creating and displaying custom advertisements through the use of advertising templates and advertising summaries. The advertising templates, which are stored locally at the individual receivers, include formatting information corresponding to custom advertisements that are intended for display at the receiver systems. The advertising summaries, which are addressed to the advertising templates, include the actual custom advertising information or content for completing the advertisements.

The receivers monitor low bandwidth data service channels that are associated with the broadcast video signals for any advertising summaries. Upon identifying an advertising summary addressed to a particular advertising template, the receiver combines the advertising summary and the advertising template into a custom advertisement. The custom advertisements that are created in this manner can then be displayed with the appropriate and corresponding programming received over the broadcast video signals.

The claimed embodiments provide advantages over prior art systems that are incapable of receiving and displaying advertisements in a timely manner. In particular, the present invention enables custom advertisements that are too large to be transmitted over low bandwidth channels in a timely manner to be created and displayed during the corresponding programming for which

¹ Filepp and Hendricks qualify as "prior" art, if at all, under 35 U.S.C. § 102(a). Applicant thus reserves the right to challenge the status of any or all of those references as qualifying prior art at any time that such may become necessary or desirable in Applicant's view. Accordingly, any argument herein in regard to any of those references is made merely assuming *arguendo* that such reference(s) would qualify as proper "prior" art.

Application No. 09/345,223
Amendment "A" dated August 11, 2003
Reply to Office Action mailed May 9, 2003

they were intended. As mentioned above, and as described during the interview, this is possible by storing the advertising templates at the receivers such that only the advertising content has to be sent over the low bandwidth service channels. As further discussed during the interview, the pending claims are neither anticipated nor made obvious by Filepp and Hendricks, either singly or in combination.

Filepp is directed to a method for presenting applications, also referred to as objects, over a network in such a way as to reduce the demand on host processing resources. (Abstract; Col. 10, ll. 50-65). Each object or application in Filepp has a "uniform, self-defining format" and includes programs and presentation data, such that it comprises an "independent, self-contained unit [that] can operate correctly by itself." (Col. 5, ll. 52-54; Col. 6, ll. 3-6). One of the disclosed objects includes an advertising object. (Col., 14, ll. 60-65). Filepp eliminates the response time it takes to retrieve the advertising objects through a pre-fetching technique in which the advertising objects are obtained from the host before they are even requested by the user. (Col. 34, ll. 33-36; Col. 33, ll. 19-65). The methods disclosed in Filepp are distinguished from the methods disclosed in the present invention. In particular, the present invention reducing the response time it takes to obtain advertisements by splitting them into templates that are stored locally and custom advertising content that is transmitted through low bandwidth channels along with the programming for which they are intended to be displayed.

Hendricks, on the other hand, is directed to methods for suggesting and displaying available programming for viewer selection. (Abstract) Hendricks does this through the use of menus that are displayed to the viewer and that are updated through programming control information received at the viewer terminal. (Abstract; Col. 13, ll. 5-16) Hendricks discloses that the program control information and other data, including "promos" can be transmitted to the viewer terminal over a dedicated channel. However, Hendricks fails to disclose or suggest the creation of advertisements comprising a combination of both advertising templates and custom advertising content that are collectively too large to be transmitted over a low bandwidth channel and in a timely manner during presentation of corresponding programming, as recited in the claims.

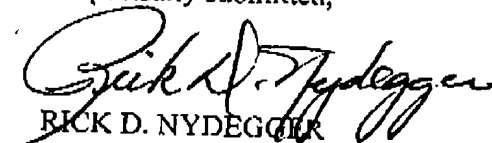
For at least the foregoing reasons, Applicant respectfully submits that the pending claims 1-23 are in condition for prompt allowance.

Application No. 09/345,223
Amendment "A" dated August 11, 2003
Reply to Office Action mailed May 9, 2003

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 11th day of August, 2003.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer Number 022913

RDN:JCJ
W:\14531\82.2\DMS0000004701V001.DOC

RECEIVED

AUG 12 2003

Technology Center 2600

OFFICIAL